

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

BONNIE COOK SHACKELFORD

2997 Walker Store Road

Franklinville, NC 27248

Registered Nurse License No. 631299

Respondent

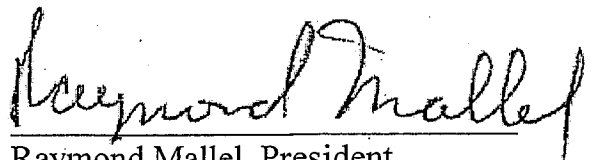
Case No. 2013-387

DECISION AND ORDER

The attached Stipulated Surrender of License and Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on April 13, 2013.

IT IS SO ORDERED April 13, 2013.



Raymond Mallel, President
Board of Registered Nursing
Department of Consumer Affairs
State of California

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8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2013-387

13 **BONNIE COOK SHACKELFORD**
2997 Walker Store Road
Franklinville, NC 27248

14 **STIPULATED SURRENDER OF**
15 **LICENSE AND ORDER**

16 **Registered Nurse License No. 631299**

Respondent.

17
18 IT IS HEREBY STIPULATED AND AGREED by and between the parties in this
19 proceeding that the following matters are true:

20 PARTIES

21 1. Louise R. Bailey, M.Ed., RN (Complainant) is the Executive Officer of the Board of
22 Registered Nursing. She brought this action solely in her official capacity and is represented in
23 this matter by Kamala D. Harris, Attorney General of the State of California, by Anahita S.
24 Crawford, Deputy Attorney General.

25 2. Bonnie Cook Shackelford (Respondent) is representing herself in this proceeding and
26 has chosen not to exercise her right to be represented by counsel.

27 3. On or about January 20, 2004, the Board of Registered Nursing issued Registered
28 Nurse License No. 631299 to Bonnie Cook Shackelford (Respondent). The Registered Nurse

1 License was in full force and effect at all times relevant to the charges brought in Accusation No.
2 2013-387 and will expire on December 31, 2013, unless renewed.

3 JURISDICTION

4 4. Accusation No. 2013-387 was filed before the Board of Registered Nursing (Board),
5 Department of Consumer Affairs, and is currently pending against Respondent. The Accusation
6 and all other statutorily required documents were properly served on Respondent on November 9,
7 2012. Respondent timely filed her Notice of Defense contesting the Accusation. A copy of
8 Accusation No. 2013-387 is attached as Exhibit A and incorporated by reference.

9 ADVISEMENT AND WAIVERS

10 5. Respondent has carefully read, and understands the charges and allegations in
11 Accusation No. 2013-387. Respondent also has carefully read, and understands the effects of this
12 Stipulated Surrender of License and Order.

13 6. Respondent is fully aware of her legal rights in this matter, including the right to a
14 hearing on the charges and allegations in the Accusation; the right to be represented by counsel, at
15 her own expense; the right to confront and cross-examine the witnesses against her; the right to
16 present evidence and to testify on her own behalf; the right to the issuance of subpoenas to
17 compel the attendance of witnesses and the production of documents; the right to reconsideration
18 and court review of an adverse decision; and all other rights accorded by the California
19 Administrative Procedure Act and other applicable laws.

20 7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
21 every right set forth above.

22 CULPABILITY

23 8. Respondent admits the truth of each and every charge and allegation in Accusation
24 No. 2013-387, agrees that cause exists for discipline and hereby surrenders her Registered Nurse
25 License No. 631299 for the Board's formal acceptance.

26 9. Respondent understands that by signing this stipulation she enables the Board to issue
27 an order accepting the surrender of her Registered Nurse License without further process.

28 //

CONTINGENCY

10. This stipulation shall be subject to approval by the Board of Registered Nursing. Respondent understands and agrees that counsel for Complainant and the staff of the Board of Registered Nursing may communicate directly with the Board regarding this stipulation and surrender, without notice to or participation by Respondent. By signing the stipulation, Respondent understands and agrees that she may not withdraw her agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Surrender and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

11. The parties understand and agree that facsimile copies of this Stipulated Surrender of License and Order, including facsimile signatures thereto, shall have the same force and effect as the originals.

12. This Stipulated Surrender of License and Order is intended by the parties to be an integrated writing representing the complete, final, and exclusive embodiment of their agreement. It supersedes any and all prior or contemporaneous agreements, understandings, discussions, negotiations, and commitments (written or oral). This Stipulated Surrender of License and Order may not be altered, amended, modified, supplemented, or otherwise changed except by a writing executed by an authorized representative of each of the parties.

13. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Order:

ORDER

IT IS HEREBY ORDERED that Registered Nurse License No. 631299, issued to Respondent Bonnie Cook Shackelford, is surrendered and accepted by the Board of Registered Nursing.

1. The surrender of Respondent's Registered Nurse License and the acceptance of the surrendered license by the Board shall constitute the imposition of discipline against Respondent.

1 This stipulation constitutes a record of the discipline and shall become a part of Respondent's
2 license history with the Board of Registered Nursing.

3 2. Respondent shall lose all rights and privileges as a Registered Nurse in California as
4 of the effective date of the Board's Decision and Order.

5 3. Respondent shall cause to be delivered to the Board her pocket license and, if one was
6 issued, her wall certificate on or before the effective date of the Decision and Order.

7 4. If Respondent ever files an application for licensure or a petition for reinstatement in
8 the State of California, the Board shall treat it as a petition for reinstatement. Respondent must
9 comply with all the laws, regulations and procedures for reinstatement of a revoked license in
10 effect at the time the petition is filed, and all of the charges and allegations contained in
11 Accusation No. 2013-387 shall be deemed to be true, correct and admitted by Respondent when
12 the Board determines whether to grant or deny the petition.

13 5. If and when Respondent's license is reinstated, she shall pay to the Board costs
14 associated with its investigation and enforcement pursuant to Business and Professions Code
15 section 125.3 in the amount of \$990. Respondent shall be permitted to pay these costs in a
16 payment plan approved by the Board. Nothing in this provision shall be construed to prohibit the
17 Board from reducing the amount of cost recovery upon reinstatement of the license.

18 6. If Respondent should ever apply or reapply for a new license or certification, or
19 petition for reinstatement of a license, by any other health care licensing agency in the State of
20 California, all of the charges and allegations contained in Accusation, No. 2013-387 shall be
21 deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of
22 Issues or any other proceeding seeking to deny or restrict licensure.

23 7. Respondent shall not apply for licensure or petition for reinstatement for two (2)
24 years from the effective date of the Board of Registered Nursing's Decision and Order.

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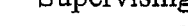
DATED: December 28, 2012 Bonnie Shackelford
BONNIE COOK SHACKELFORD
Respondent

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted for consideration by the Board of Registered Nursing of the Department of Consumer Affairs.

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
JANICE K. LACHMAN
Supervising Deputy Attorney General

JANICE K. LACHMAN
Supervising Deputy Attorney General



ANAHITA S. CRAWFORD
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 2013-387

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8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
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11 In the Matter of the Accusation Against:

Case No. *2013 - 387*

12 **BONNIE COOK SHACKELFORD**
13 **2997 Walker Store Road**
Franklinville, NC 27248

A C C U S A T I O N

14 **Registered Nurse License No. 631299**

15 Respondent.

16
17 Louise R. Bailey, M.Ed., RN ("Complainant") alleges:

18 **PARTIES**

19 1. Complainant brings this Accusation solely in her official capacity as the Executive
20 Officer of the Board of Registered Nursing ("Board"), Department of Consumer Affairs.

21 2. On or about January 20, 2004, the Board issued Registered Nurse License Number
22 631299 to Bonnie Cook Shackelford ("Respondent"). The license was in full force and effect at
23 all times relevant to the charges brought herein and will expire on December 31, 2013, unless
24 renewed.

25 **JURISDICTION**

26 3. Business and Professions Code ("Code") section 2750 provides, in pertinent part, that
27 the Board may discipline any licensee, including a licensee holding a temporary or an inactive
28

1 license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing
2 Practice Act.

3 4. Code section 2764 provides, in pertinent part, that the expiration of a license shall not
4 deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or
5 to render a decision imposing discipline on the license. Under Code section 2811(b), the Board
6 may renew an expired license at any time within eight years after the expiration.

7 STATUTORY PROVISIONS

8 5. Code section 2761 states, in pertinent part:

9 The board may take disciplinary action against a certified or licensed nurse or
10 deny an application for a certificate or license for the following:

11 (a) Unprofessional conduct.

12 (4) Denial of licensure, revocation, suspension, restriction, or any other
13 disciplinary action against a health care professional license or certificate by another
14 state or territory of the United States, by any other government agency, or by another
California health care professional licensing board. A certified copy of the decision
or judgment shall be conclusive evidence of that action.

15 COST RECOVERY

16 6. Code section 125.3 provides, in pertinent part, that the Board may request the
17 administrative law judge to direct a licentiate found to have committed a violation or violations of
18 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
19 enforcement of the case.

20 FIRST CAUSE FOR DISCIPLINE

21 (Out-of-State Discipline)

22 7. Respondent is subject to discipline under Code section 2761(a)(4), in that effective
23 October 24, 2011, pursuant to an Order to Invoke Voluntary Surrender Following Non-
24 Compliance with the Alternative Program for Chemical Dependency, attached hereto as **Exhibit**
25 **A**, the North Carolina State Board of Nursing invoked the voluntary surrender of Respondent's
26 Registered Nurse Certificate No. 159155 for her failure to comply with the Alternative Program
27 for Chemical Dependency ("program"). Respondent failed to comply with the program by testing
28 positive for Butalbital during a random drug screen. Respondent had entered the program, in lieu

1 of disciplinary action, due to her addiction to Dilaudid that began in or about July 2009.

2 Respondent's program contract provided that upon receipt of evidence of non-compliance with
3 the program, Respondent's participation in the program would be terminated and her license
4 would be voluntarily surrendered.

5 **PRAYER**

6 **WHEREFORE**, Complainant requests that a hearing be held on the matters herein alleged,
7 and that following the hearing, the Board of Registered Nursing issue a decision:

8 1. Revoking or suspending Registered Nurse License Number 631299, issued to Bonnie
9 Cook Shackelford;

10 2. Ordering Bonnie Cook Shackelford to pay the Board of Registered Nursing the
11 reasonable costs of the investigation and enforcement of this case, pursuant to Code section
12 125.3; and,

13 3. Taking such other and further action as deemed necessary and proper.

14 DATED: NOVEMBER 9, 2012

15 *for* LOUISE R. BAILEY, M.ED., RN
16 Executive Officer
17 Board of Registered Nursing
18 Department of Consumer Affairs
19 State of California
20 Complainant

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Exhibit A

**ORDER to Invoke Voluntary Surrender Following
Non-Compliance with
Alternative Program for Chemical Dependency (AP)**

Before the Board of Nursing of the State of North Carolina

Pursuant to the authority vested by Article 9A, Chapter 90 of the General Statutes of North Carolina and Article 3A of Chapter 150B-38 of the General Statutes of North Carolina, the North Carolina Board of Nursing (hereafter known as the Board) **invokes the voluntary surrender** of the Registered Nurse license of Bonnie Cook Shackelford for violation of the **AP** contract.

- 1) Bonnie Cook Shackelford is the holder of Registered Nurse Certificate #159155 in the State of North Carolina which expires on 11/30/2011.
- 2) On **4/9/2010**, Bonnie Cook Shackelford signed a **contract** for participation in the Board's **AP**.
- 3) Participation in the program requires that the Licensee must adhere to all the provisions of the **contract**.
- 4) The **contract** conditions clearly state that if evidence was received of non-compliance with the terms of the **contract**, participation in the program would be terminated and the license would be **voluntarily surrendered** for a minimum of **one (1) year** and until the Licensee submits evidence of a **minimum of one (1) year of sobriety**.
- 5) On **10/24/2011** it was determined Bonnie Cook Shackelford failed to comply with the terms of the AP contract when she tested positive on a random drug screen.
- 6) Therefore, the license of Bonnie Cook Shackelford is hereby **VOLUNTARILY SURRENDERED** and the Licensee must immediately **CEASE AND DESIST** from the practice of Nursing in North Carolina.
- 7) Because the violation constitutes a breach of a contract, with specified consequences related to such breach, there is no right to appeal this decision.
- 8) This ORDER to **Invoke Voluntary Surrender** will be placed in the Licensee's file and becomes a public record pursuant to the North Carolina Public Record Statute G.S. Chapter 132 and Board policy.
- 9) The Licensee's name will appear on the Board's Website indicating that the license was **voluntarily surrendered** for non-compliance with program requirements.
- 10) During the time of **voluntary surrender**, the Licensee is not to work as an NAI, and it will be recommended to Division of Health Services Regulation that the Licensee not be allowed to list as a NAI.

CERTIFIED TRUE COPY

- 11) All disciplinary actions taken by the Board of Nursing will be reported to the appropriate entities as outlined in Board policy, and as required by State and/or Federal guidelines. Those entities include, but may not be limited to: NURSYS; National Practitioner Databank (NPDB); the office of the Inspector General; Healthcare Integrity and Protection Databank (HIPDB); and any other state/jurisdiction in which we know the Licensee is or has been licensed.

This the 24th day of October, 2011.


Kathleen G. Privette, RN, MSN, NEA-BC
Manager, Drug Monitoring Programs

CERTIFIED TRUE COPY